

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

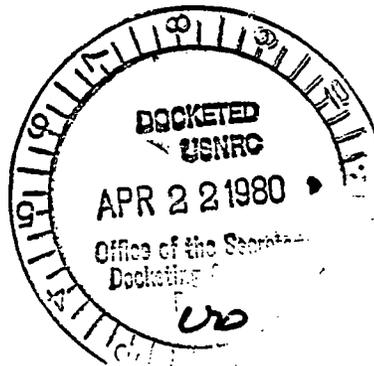
Before the Atomic Safety and Licensing Board

In the Matter of )  
PUBLIC SERVICE ELECTRIC AND ) Docket No. 50-272  
GAS COMPANY, et al. ) Proposed Issuance of Amendment  
(Salem Nuclear Generating ) to Facility Operating License  
Station, Unit #1) No. DPR-70

INTERVENOR TOWNSHIP OF LOWER ALLOWAYS CREEK'S OBJECTIONS  
TO LICENSEE'S RESPONSE TO LICENSING BOARD QUESTION 5  
REGARDING A "GROSS LOSS OF WATER" FROM THE SALEM SPENT FUEL POOL

Analysis of Licensee's Response

1. The response details the design of the fuel handling building and the spent fuel building along with the alarm detection systems and make-up water sources. (Pages 1 through 4).
2. The response postulates that even if there were a complete failure of all fuel liner welds that make-up water sources would prevent a gross loss of water accident resulting in any consequences. (Pages 4 through 5).
3. The response indicates installation of increased capacity racks would not effect the consequences of the type of "gross loss of water accident" as postulated in the response. Therefore, there would be no adverse consequences to the public's health and safety. (page 5).



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4. The response distinguishes the proposed floating nuclear power plant in the Offshore Power Systems case from a land based plant. (Pages 6 through 7)

#### Discussion of Response

1. Licensee's response simply details the plant design specifically in reference to the fuel handling building and the spent fuel pool.

2. The response postulates a single scenario involving gross loss of water from the storage pool. The postulation is structured so as to self-fulfill the conclusion of no adverse consequences to the public's health and safety. An accident is postulated where the loss of water will not exceed the influx of make-up water.

3. Since the response postulates that the make-up source "would be sufficient to keep the spent fuel covered and cool at all times" (page 4) it is concluded that the installation of increased capacity racks would have no effect on the consequences. In effect the response concludes there can be no gross loss of water accident.

4. The response is not relevant to the Board's question.

## Objections to Licensee's Response

It is time for some plain talk. The response of the Licensee is a flagrant non-answer.

A Board Order dated February 22, 1980 directed the parties to answer the following question:

"In the event of a gross loss of water from the storage pool, what would be the differences in consequences between those occasioned by the pool with expanded storage and those occasioned by the present pool?" (emphasis supplied)

The Licensee has refused to address itself in the response to the event postulated by the Board. In its response the Licensee has told the Board the event of a gross loss of water accident cannot happen.

The presumptuous conduct of the Licensee in filing this response quickens anger. Especially when the Intervenor, Township of Lower Alloways Creek (TOLAC) has spent substantial sums of money and substantial man hours in preparing responsive testimony to the Board's 5th question.

The proceeding before the Atomic Safety & Licensing Board is a significant matter involving the public's health and safety. Prior to the Three Mile Island (TMI) accident it was nuclear law dogma that certain events were incredible and need not be evaluated in the context of the public's health and safety. Certainly, of all the lessons learned from TMI, we should have learned that obvious and legitimate questions of safety and impacts on the public should not be closeted behind the door of incredible events. Who is to say what is incredible? The Licensee or the Atomic Safety & Licensing Board!

If the Atomic Safety and Licensing Board permits the Licensee's response to its 5th question without requiring a proper response then we are having a mockery of those proceedings. The response of the Licensee is not a conservative polemic adversarial position. It is a transparent, cute and obvious failure to respond to the Board's 5th question.

The Licensee seems to arrogate to itself the Atomic Safety and Licensing Board's functions. As brought out in ALAB-588 - April 1, 1980:

"The Board's reformulated question, as we construe it, poses neither serious nor irreparable consequences for the licensee. The basic structure of the proceeding is not affected by the change; rather, the new question simply appears to reflect the Licensing Board's effort to carry out its fundamental responsibility; namely, to satisfy itself whether the proposed license amendment would unreasonably affect the public health and safety. In our judgment, the Board below has marked a path of inquiry that stops short of considering a Class 9 accident. The Licensee's motion for directed certification is therefore premature."

If the Licensee gives a proper answer to the Board's 5th question, the Board will possibly have before it honest scientific disagreement as to the consequences of a gross loss of water accident in a spent fuel pool with expanded storage versus limited storage.

Perhaps, there is no disagreement with Intervenor TOLAC's testimony as to the dire consequences and this is why the Licensee has deliberately evaded answering the Board's 5th question.

If the Atomic Safety and Licensing Board is satisfied there can be adverse consequences to the safety and health of the public as a result of a gross loss of water accident in spent fuel pools, then the Board can certify to the Commission as to whether Class 9 accidents should be considered as part of the process of allowing enlargement of spent fuel pools at reactor sites - 10 CFR 2.716(1). It is not for the Licensee to decide what action the Board should take.

The Intervenor, TOLAC, objects to the Licensee's testimony in toto and moves to strike the same with sanctions which may be deemed appropriate by the Atomic Safety and Licensing Board.

Respectfully submitted,



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Lower Alloways Creek

April 18, 1980